

CHAPTER XXXVI.

AN ACT TO ESTABLISH A TURFPIKE ROAD FROM MARION, IN THE COUNTY OF MCDOWELL, TO ASHEVILLE, IN THE COUNTY OF BUNCOMBE.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be laid out and established a Turnpike Road from Marion, in the County of McDowell, to Asheville, in the County of Buncombe, to run as follows: Crossing the Blue Ridge at Gillespie's Gap, thence to Bakersville in the County of Mitchell thence to the Town of Burnsville (via Burloson's Mill on Cane Creek, in Mitchell County,) in Yancey County, thence by the Ivy Gap to Asheville.

Turnpike Road
to be laid out.

SEC. 2. That the said Road shall be made thirty feet wide, except where there shall be side cuttings, and in such places it shall be twenty feet wide, and in no part of the Road shall it rise in ascending any hill or mountain more than one foot in sixteen, and to be well made as herein directed.

Width of Road.

SEC. 3. That it shall be the duty of the Superintendent of Public Works to appoint a competent Engineer and two Commissioners to survey and locate said Road, who shall first take oath before some Judge of the Superior Court to faithfully discharge their duties for the best interest of the State.

Appointment of
Engineer and Com-
missioners.

SEC. 4. That if the owner of any lands through which said Road shall pass, shall consider him or her or themselves injured thereby, it shall be competent for such person or persons by petition to the County Commissioners of the County in which the damage is done, praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the Commissioners to order such jury to be summoned, as in case of such public roads, and it shall be the duty of the jury to take into consideration the advantage to the land, as well as the injury done, by the making

Assessment of
damages to owners
of land.